

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 06-409 GMS
	:	
M.A. HANNA PLASTICS GROUP, INC.	:	
WILMINGTON ECONOMIC	:	
DEVELOPMENT CORPORATION,	:	
AND SIDNEY AND CAROL MAFFETT,	:	
	:	
Defendants.	:	

**SIDNEY AND CAROL MAFFETT'S ANSWER AND AFFIRMATIVE DEFENSES TO
CROSS-CLAIMS OF M.A. HANNA PLASTICS GROUP INC.**

COME NOW THE DEFENDANTS, Sidney and Carol Maffett (hereafter "Maffetts" or "Answering Defendants"), by and through their counsel, Parkowski, Guerke & Swayze, P.A., and answers the crossclaims asserted by Defendant M.A. Hanna Plastics Group, Inc., stating as follows:

1. Paragraph 1 states a legal conclusion to which no response is required. To the extent that a response is deemed necessary, the conclusion and allegation of liability is denied.
2. Paragraph 2 states a legal conclusion to which no response is required. To the extent that a response is deemed necessary, the conclusion and allegation of liability is denied.
3. Paragraph 3 states a legal conclusion to which no response is required. To the extent that a response is deemed necessary, the conclusion and allegation of liability is denied.
4. Paragraph 4 states a legal conclusion to which no response is required. To the extent that a response is deemed necessary, the conclusion and allegation of liability is denied.

5. Paragraph 5 states a legal conclusion to which no response is required. To the extent that a response is deemed necessary, the conclusion and allegation of liability is denied.

6. Paragraph 6 states a legal conclusion to which no response is required. To the extent that a response is deemed necessary, the conclusion and allegation of liability is denied.

7. Paragraph 7 states a legal conclusion to which no response is required. To the extent that a response is deemed necessary, the conclusion and allegation of liability is denied.

8. Paragraph 8 states a legal conclusion to which no response is required. To the extent that a response is deemed necessary, the conclusion and allegation of liability is denied.

9. Answering Defendants restate the answers to Paragraph 1 through 8 as if set forth more fully herein.

10. Paragraph 10 contains a request for relief to which no response is required. To the extent that a response is deemed necessary, Answering Defendants deny the allegation.

FIRST AFFIRMATIVE DEFENSE

Crossclaimant has failed to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

To the extent that any release of hazardous substances occurred, such release was caused solely by the act or omission of an entity other than Answering Defendants.

THIRD AFFIRMATIVE DEFENSE

Answering Defendants assert the affirmative defense under 42 U.S.C. § 9607(b)(3).

FOURTH AFFIRMATIVE DEFENSE

Answering Defendants were not the proximate cause of any response costs, injuries, or damages relating to the alleged release or threatened release of hazardous substances giving rise to any liability.

FIFTH AFFIRMATIVE DEFENSE

Answering Defendants asserts an affirmative defense of contributory and/or comparative negligence.

SIXTH AFFIRMATIVE DEFENSE

Any liability on the part of Answering Defendants is secondary to the primary liability of Crossclaimant.

WHEREFORE, Answering Defendants respectfully request that the Court enter judgment in their favor with respect to the asserted cross-claims and dismiss the cross-claims with prejudice

PARKOWSKI, GUERKE & SWAYZE, P.A.

BY: /s/ Michael W. Arrington (#3603)
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DATED: September 7, 2006

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M.A. HANNA PLASTICS GROUP, INC.	:	
WILMINGTON ECONOMIC	:	
DEVELOPMENT CORPORATION,	:	
AND SIDNEY AND CAROL MAFFETT,	:	
	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I, MICHAEL W. ARRINGTON, HEREBY CERTIFY that on this 7th day of September, A.D., 2006, true and correct copies of the attached Answer to Crossclaims of M.A. Hanna Plastics Group, Inc. were served upon the opposing counsel by e-filing:

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DATED: September 7, 2006